

**PROPOSED AMENDMENTS TO THE SUPREME COURT
RULES FOR THE GOVERNMENT OF THE BAR OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until August 1, 2018, on the following proposed amendments to the Supreme Court Rules for the Government of the Bar of Ohio.

Comments on the proposed amendments should be submitted in writing to: Gina Palmer, Director of Attorney Services, Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431, or Gina.Palmer@sc.ohio.gov not later than August 1, 2018. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

RULE X. CONTINUING LEGAL EDUCATION

[Existing language unaffected by the amendments is omitted to conserve space]

Section 5. Allowance of Credit Hours.

(A) *Amount of credit hours.* Sixty minutes of actual instruction or other approved activity shall constitute one credit hour. Thirty minutes of actual instruction or other approved activity shall constitute one-half credit hour.

(B) *Continuing legal education teaching credit.* The Supreme Court Commission on Continuing Legal Education may allow up to three credit hours to an instructor for each credit hour taught in an approved continuing legal education program or activity the first time the program or activity is presented by that instructor, two credit hours for each credit hour taught as part of a panel presentation in an approved program or activity the first time the program or activity is presented by that instructor, and one credit hour for each credit hour taught in subsequent presentations of the same program or activity by that instructor, with a maximum of one-half the required credit hours for teaching during the biennial compliance period.

(C) *Law school teaching credit.*

(1) As used in this section, “semester hour” means the number of academic credit hours received by a student for successfully completing a specific higher education course.

(2) The Commission may allow ~~one-half~~ three credit ~~hour~~ hours for each semester hour of a course taught by an adjunct or part-time professor at a law school accredited by the American Bar Association the first time the course is taught by that professor and one-half credit hour for each semester hour the course is subsequently taught by that professor.

(3) The Commission may allow one-half credit hour for each semester hour taught by a full-time professor at a law school accredited by the American Bar Association.

(4) Prorated credit may be granted for quarter or trimester hours.

(D) *Publication of article or book credit.* The Commission may allow up to twelve credit hours for the publication of an article or book personally authored by the applicant, with a maximum of twelve credit hours for publications during a biennial compliance period.

(E) *Self-study credit.*

(1) The Commission may allow up to twelve credit hours for approved self-study during a biennial compliance period.

(2) The Commission may allow up to twenty-four credit hours for approved live webinar self-study activities during a biennial compliance period.

[Existing language unaffected by the amendments is omitted to conserve space]

Section 14. New Lawyers Training.

[Existing language unaffected by the amendments is omitted to conserve space]

(B) *Approval of activity.* To be approved by the Supreme Court Commission on Continuing Legal Education as a New Lawyers Training activity, the activity shall satisfy the following standards, together with any other standards as established by regulation of the Commission:

(1) The activity shall consist of live instruction in a setting physically suited to the educational activity of the program;

(2) The activity shall be a minimum of ~~one hour~~ thirty minutes in length;

(3) The activity shall include thorough, high-quality, written materials that emphasize and include checklists of procedures to follow, practical instructions, and forms with guidance as to how they should be completed and when they should be used.

(C) *Carryover hours.* An attorney subject to Section 9(A) of this rule who completes more than the number of New Lawyers Training credit hours required under division (A)(1) of this section may be awarded a maximum of twelve general credit hours to the next biennial compliance period.

(D) *Awarding of general credit hours.* The Commission may award one-half credit hour of continuing legal education for every ~~credit hour~~ thirty minutes of New Lawyers Training instruction completed by an attorney not subject to Section 9(A) of this rule.

APPENDIX I: ATTORNEY CONTINUING LEGAL EDUCATION REGULATIONS

Regulation 100: Definitions

In these Regulations, the following definitions shall apply:

[Existing language unaffected by the amendments is omitted to conserve space]

(V) **Self-Study Activity:** a CLE Activity of individualized learning engaged in by an Attorney or Judge outside of the standard classroom or seminar setting, including but not limited to live interactive educational methods such as a real-time video conference or teleconference, or webinar. Special methods of instruction pursuant to Regulation 408 using electronic methodology, such as on-demand courses, DVDs, CDs, or MP3s, may be accredited as Self-Study Activities pursuant to Regulation 409.

(W) **Semester Hours:** the number of academic credit hours received by a student for successfully completing a specific higher education course.

(X) **Skills-Based Activity:** educational training by doing or performing. In contrast to education based on mastery of written materials, such as statutes and case law, it is education on how to act or perform. The training teaches Attorneys effective and appropriate behaviors and methods for handling particular problems or situations.

~~(X)~~(Y) **Special Program:** a CLE Activity sponsored by a law firm; a corporation, including a corporate legal department; a governmental agency; a group of Attorneys in public service, for example the Ohio Attorney General's office, a County Prosecuting Attorney's office, a U.S. Attorney's office, a Public Defender's office, a legal department of a State or Federal agency, a legal services program, or a law department of a municipal corporation; or a similar entity primarily for the education of its employees, members, associates, or clients.

~~(Y)~~(Z) **Sponsor:** a person or organization that is responsible for the costs associated with conducting or presenting a CLE Activity.

~~(Z)~~(AA) **Transcript:** a copy of the CLE Record.

Regulation 300: Continuing Legal Education Requirements

Regulation 301: Requests for CLE Credit

301.1 Except as otherwise provided by these Regulations, Rule X, or Rule IV, CLE Credit shall be awarded only for personal attendance at or participation in an Approved CLE Activity, for a minimum of ~~one hour~~ thirty minutes.

[Existing language unaffected by the amendments is omitted to conserve space]

Regulation 400: Hours and Accreditation

[Existing language unaffected by the amendments is omitted to conserve space]

401.2 Law School Teaching Credit

(A) An Attorney or Judge who is an adjunct or part-time professor may receive ~~one-half hour~~ three credit hours of CLE Credit for each semester hour of a course taught at an ABA-accredited law school the first time the course is taught by that Attorney or Judge and one-half credit hour for each semester hour the course is subsequently taught by that Attorney or Judge. Prorated credit will be granted for quarter or trimester hours.

(B) An Attorney or Judge who is a full-time professor may receive one-half credit hour of CLE Credit for each semester hour of a course taught at an ABA-accredited law school. Prorated credit will be granted for quarter or trimester hours.

(C) ~~The~~ An Attorney or Judge shall submit an application for ~~credit~~ CLE Credit in a manner authorized by the Commission within thirty days after the last day of the course.

~~(D)~~ An Attorney or Judge shall not receive CLE Credit for hours taught at any other accredited higher education institution.

[Existing language unaffected by the amendments is omitted to conserve space]

Regulation 406: Standards for Accreditation

[Existing language unaffected by the amendments is omitted to conserve space]

(H) Attendance at the CLE Activity shall be open to all Attorneys and Judges and shall consist of a minimum of ~~one~~ thirty minutes of uninterrupted ~~hour~~ of instruction. CLE Credit shall not be awarded for breaks or opening or closing remarks. Only time of actual instruction shall count ~~toward a~~ towards credit ~~hour~~. Partial hours over the minimum shall be rounded to the nearest one-quarter of an hour and should be expressed as decimals.

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Regulation 409: Self-Study

[Existing language unaffected by the amendments is omitted to conserve space]

(D) The Self-Study Activity shall include a minimum of ~~one sixty-minute hour~~ thirty minutes of substantive legal instruction.

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(J) In order to be approved as a live webinar under these Regulations, the Sponsor shall demonstrate to the satisfaction of the Commission that the webinar is sufficiently interactive.

(K) CLE Credit approved under this Regulation is Self-Study Credit.

~~(K)~~(L) The Sponsor of a Self-Study Activity shall provide to Attendees of Self-Study Activities mandatory evaluation forms, with evaluation data submitted to the Commission every six months, beginning six months from the date of accreditation of the Self-Study Activity.

~~(L)~~(M) The Sponsor of each Self-Study Activity shall inform all Attendees of the twelve hour limitation on Self-Study CLE Credit provided in Rule X, Section 5(E) and Regulation 409.2.

~~(M)~~(N) The Sponsor of each Self-Study Activity shall provide a Certificate of Completion for each Attorney or Judge who successfully completes the Self-Study Activity. The Certificate shall include the Ohio Activity Code, the title of the program, the name of the Sponsor, the number and type of CLE Credits earned, and the date upon which the Self-Study Activity was completed by the Attorney or Judge.

~~(N)~~(O) The Sponsor shall provide the Self-Study Activity's approval status in Ohio and the name of the Sponsor to participants before they pay for the Self-Study Activity.

~~(O)~~(P) Self-study materials shall be current and, in any event, shall have been prepared no earlier than the calendar year immediately preceding the date the application for accreditation is filed.

~~(P)~~(Q) Any violation of these Regulations shall subject the Established Sponsor or Sponsor to late fees established by the Commission.

409.2 ~~Not~~ Except for a substitute CLE program pursuant to Regulation 304.4 and an approved live webinar self-study activity pursuant to Rule X, Section 5(E)(2), no more than twelve hours of CLE Credit for any biennial compliance period may be earned by an Attorney or Judge under this Regulation except as provided in Regulation 304.4.

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414.4 To be accredited by the Commission, a New Lawyers Training course shall satisfy the requirements of Rule X, Section 14 and comply with the following standards:

(A) The course shall satisfy the standards of Regulation 406 and, if applicable, Regulation 408;

(B) The instruction shall be live, including in-person instruction, live webcast, or live teleconference. Sponsors are encouraged to use a variety of methods of instruction, including

lectures, panels, workshops, and other forms of participatory or interactive learning where appropriate.

(C) The course shall be a minimum of ~~one hour~~ thirty minutes in length;

[Existing language unaffected by the amendments is omitted to conserve space]